

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

FRANCISCO VIDAL et al.,
Plaintiffs,
v.
JOSEPH SCHMITT et al.,
Defendants.

ORDER

First, the Defendants have filed a Motion [ECF No. 34] for Sanctions. The Court finds that it may be appropriate to order sanctions for conduct over the entirety of the case. The Court thus denies this motion without prejudice to it being resubmitted after the Court rules on the Motion for Summary Judgment that is fully briefed.

Second, Plaintiffs' have repeatedly submitted Motions for the Appointment of Counsel [ECF Nos. 55, 64 and 83]. Plaintiffs are not entitled to counsel as of right in civil cases. The Court may appoint counsel in extraordinary circumstances. The Court does not find such circumstances exist in this case. These motions are denied.

Third, Plaintiffs have filed several discovery motions regarding the taking of depositions, compelling production of documents, extending discovery deadlines and staying proceedings [ECF Nos. 63, 68, 76, 77, 79 and 84]. The Court denies all of these motions. While the Plaintiffs are not represented by counsel, they must still comply with Federal Rules of Civil Procedure and federal law in the pursuit of their case. They have not adequately noticed depositions or properly

1 requested discovery pursuant to the discovery schedule and the Federal Rules in this case. The
2 Court also does not have a basis for extending discovery at this time.

3 The Court will, however, provide Plaintiffs with an opportunity to raise the issues
4 underlying these motions at the forthcoming oral argument regarding the Motion for Summary
5 Judgment [ECF No. 89]. At that time the Court will consider whether the Plaintiffs are entitled to
6 some further relief regarding discovery in this case.

7 Accordingly and for the reasons stated herein,

8 **IT IS HEREBY ORDERED** that the Motion for Sanctions [ECF No. 34] is DENIED
9 without prejudice to it being filed after any decision on dispositive motions in this case.

10 **IT IS FURTHER ORDERED** that Motions for Appointment of Counsel [ECF Nos. 55,
11 64 and 83] are DENIED.

12 **IT IS FURTHER ORDERED** that the Discover Motions [ECF Nos. 63, 68, 76, 77, 79
13 and 84] are DENIED without prejudice to the underlying issues being raised at the oral argument
14 on dispositive motions.

15 **IT IS FURTHER ORDERED** that oral argument is set in this case for **April 20, 2018 at**
16 **1:00 p.m.** on the Motion for Summary Judgment [ECF No. 89]. The Court shall order that the
17 Plaintiffs be produced if they are still incarcerated at that time.

18
19 DATED this 30th day of March, 2018.



RICHARD F. BOULWARE
UNITED STATES DISTRICT JUDGE